

ORIGINAL
(RED)

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October 9, 1985

RECEIVED

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EPA, REGION III
OFFICE OF REGIONAL COUNSEL

Kermit Rader, Esquire
Office of Regional Counsel (3RC20)
U.S. Environmental Protection Agency
841 Chestnut Bldg.
Philadelphia, PA 19107

RE: Request for Information re: Army Creek and
Delaware Sand & Gravel

Dear Mr. Rader:

Below please find the response of ICI to the request of the EPA for information as orally modified by you. In that regard you indicated that ICI does not have to review the documents generated in discovery in the Tybouts matter.

At the outset ICI incorporates all prior objections made to the original request as well as to the request as modified. In addition, although perhaps not specifically stated previously, ICI does not believe that your request is appropriate under either RCRA or CERCLA. ICI does not believe that the EPA has the constitutional, statutory or regulatory authority to make this request. Nevertheless, despite such objections and without waiver thereof, please be advised that ICI, after reasonable investigation, has not found any information that any of its wastes during the period of time in question went to either of these landfills.

You should, however, know that ICI in July, 1971, purchased a company known as Atlas Chemical Industries, Inc. ICI has learned that waste from that facility may have been taken to the County landfill. That waste included miscellaneous paper bags or cardboard, unuseable boxes, pails, paks or

Exhibit T

MORGAN, LEWIS & BOCKIUS

Kermit Rader, Esquire

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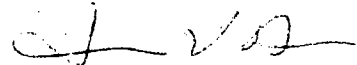
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drums, wood and metal, press and filter cakes and other miscellaneous plant refuse.

If you have any questions or desire any further information, please advise. You should know, however, that I will be leaving for reserve duty on Thursday, October 10, 1985 for two weeks.

Very truly yours,



Denis V. Brennan

/kmt